



General Assembly

January Session, 2019

Amendment

LCO No. 9113



Offered by:

REP. PORTER, 94th Dist.
SEN. KUSHNER, 24th Dist.
REP. JOHNSON, 49th Dist.

REP. CURREY, 11th Dist.
REP. WINKLER, 56th Dist.
REP. ARNONE, 58th Dist.

To: House Bill No. 6916

File No. 475

Cal. No. 300

***"AN ACT EXPANDING REMEDIES AND POTENTIAL LIABILITY
FOR UNREASONABLY CONTESTED OR DELAYED WORKERS'
COMPENSATION CLAIMS."***

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (*Effective from passage*) (a) There is established a task force
4 to study methods to expand remedies regarding potential liability for
5 unreasonably contested or delayed workers' compensation claims and
6 to clarify the law regarding bad faith handling of workers'
7 compensation claims. Such study shall include, but need not be limited
8 to, an examination of: (1) How such claims are handled when an
9 injured worker is covered by employee benefit health insurance, (2)
10 whether an employee benefit plan should make payments during the
11 time period the Workers' Compensation Commission takes to
12 determine whether the worker's injury is work related, (3) remedies
13 when the injured worker's employer does not provide an employee
14 benefit health insurance plan, (4) impediments to the Workers'
15 Compensation Commissioner's authority to fine an insurance company

16 for undue delay, particularly when such undue delay may cause
17 permanent injury to an employee, (5) remedies when an undue delay
18 in payment causes unnecessarily long delays in medical treatment,
19 resulting in loss of employment, (6) types of systems that may be
20 created to obtain data regarding reasonable treatment and recovery
21 timeframes, and (7) best methods to prevent unfair claim-handling
22 practices that violate the Connecticut Unfair Insurance Practices Act,
23 including, but not limited to, the following:

24 (A) Misrepresenting pertinent facts or insurance policy provisions
25 relating to coverages at issue; (B) failing to acknowledge and act with
26 reasonable promptness upon communications with respect to claims
27 arising out of and in the course of employment under insurance
28 policies and third-party administration contracts; (C) failing to adopt
29 and implement reasonable standards for the prompt investigation of
30 claims arising out of and in the course of employment to which such
31 insurance policies and third-party administration contracts shall
32 respond; (D) refusing to pay benefits without conducting a reasonable
33 and timely investigation based upon all available information; (E)
34 failing to affirm or deny coverage of benefits within a reasonable time
35 after submission of a request for such benefits has been submitted; (F)
36 not attempting in good faith to effectuate prompt, fair and equitable
37 provision of benefits for claims in which liability has become
38 reasonably clear; (G) attempting to settle claims on the basis of an
39 application that was altered without notice to or knowledge or consent
40 of the insured; (H) making known to beneficiaries of such insurance
41 policies or third-party contracts of administration pursuant to this
42 section a policy of appealing from decisions of a workers'
43 compensation commissioner or administrative law judge in favor of
44 such beneficiaries for the purpose of compelling the acceptance of
45 settlements or compromises in an amount less than the amount
46 awarded in decisions; (I) delaying the investigation or payment of
47 claims by requiring a beneficiary or health care provider to submit a
48 preliminary claim report and then requiring the subsequent
49 submission of formal proof-of-loss forms, both of which submissions

50 contain substantially the same information; or (J) failing to promptly
51 provide a reasonable written explanation for the denial of a claim or
52 for an offer of a compromise and settlement, in relation to the facts or
53 applicable law.

54 (b) The task force shall consist of the following members:

55 (1) Three appointed by the speaker of the House of Representatives,
56 one of whom is a member of the Connecticut Trial Lawyers
57 Association, who has experience in workers' compensation cases, one
58 of whom is an attorney having expertise in bringing claims pursuant to
59 the Connecticut Unfair Insurance Practices Act and one of whom is a
60 representative of organized labor;

61 (2) Three appointed by the president pro tempore of the Senate, one
62 of whom has experienced undue delay in the processing of his or her
63 workers' compensation claim, one of whom is a representative of
64 physicians who treat workers' compensation claims patients and one
65 of whom is a representative of the Connecticut State Medical Society;

66 (3) One appointed by the majority leader of the House of
67 Representatives, who shall be a member of the General Assembly;

68 (4) One appointed by the majority leader of the Senate, who shall be
69 a member of the Workers' Compensation Commission;

70 (5) One appointed by the minority leader of the House of
71 Representatives, who shall be a representative of the business
72 community;

73 (6) One appointed by the minority leader of the Senate, who shall be
74 a municipal leader;

75 (7) The chairperson of the Workers' Compensation Commission, or
76 the chairperson's designee;

77 (8) The Public Health Commissioner, or the commissioner's
78 designee;

79 (9) The Commissioner of Social Services, or the commissioner's
80 designee; and

81 (10) The Commissioner of Administrative Services, or the
82 commissioner's designee;

83 (c) Any member of the task force appointed under subdivision (1),
84 (2), (5) or (6) of subsection (b) of this section may be a member of the
85 General Assembly.

86 (d) All appointments to the task force shall be made not later than
87 August 1, 2019. Any vacancy shall be filled by the appointing
88 authority.

89 (e) The speaker of the House of Representatives and the president
90 pro tempore of the Senate shall select the chairpersons of the task force
91 from among the members of the task force. Such chairpersons shall
92 schedule the first meeting of the task force, which shall be held not
93 later than sixty days after the effective date of this section.

94 (f) The administrative staff of the joint standing committee of the
95 General Assembly having cognizance of matters relating to labor shall
96 serve as administrative staff of the task force.

97 (g) Not later than January 1, 2020, the task force shall submit a
98 report on its findings and recommendations to the joint standing
99 committee of the General Assembly having cognizance of matters
100 relating to labor, in accordance with the provisions of section 11-4a of
101 the general statutes. The task force shall terminate on the date that it
102 submits such report or January 1, 2020, whichever is later."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section